

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JANE DOE
Plaintiff

VS.

EDINBURG CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT
Defendant

CIVIL ACTION NO. 7:19-CV-00309
(JURY REQUESTED)

**DEFENDANT’S EDINBURG CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
RESPONSES TO PLAINTIFF’S FIRST SET OF INTERROGATORIES**

To: Plaintiff by and through her attorney of record:

Anthony G. Buzbee
Cornelia Brandfield-Harvey
The Buzbee Law Firm
600 Travis, Suite 7300
Houston, Texas 77002

COMES NOW, EDINBURG CONSOLIDATED INDEPENDENT SCHOOL DISTRICT, Defendant in the above-styled and numbered cause and pursuant to Rule 197 of the Texas Rules of Civil Procedure attached hereto makes the following responses and objections to Plaintiff's First Set of Interrogatories. Defendant reserves the right to supplement, modify or amend the information provided below.

Signed on **January 17, 2020.**

Respectfully submitted,

ESPARZA & GARZA, L.L.P.

964 E. Los Ebanos

Brownsville, Texas 78520

Telephone: (956) 547-7775

Facsimile: (956) 547-7773

By: /s/ Eduardo G Garza

Eduardo G Garza

State Bar No. 00796609

eddie@esparzagarza.com

Roman "Dino" Esparza

State Bar No. 00795337

dino@esparzagarza.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on **January 17, 2020**, a true and correct copy of the foregoing **Defendant's Edinburg Consolidated Independent School District Responses to Plaintiff's First Set of Interrogatories** has been served on all attorneys of record as noted below:

Via Regular Mail

And E-Mail

Anthony G. Buzbee

Cornelia Brandfield-Harvey

The Buzbee Law Firm

600 Travis, Suite 7300

Houston, Texas 77002

Via E-mail and

Regular Mail

Aaron I. Vela

Law Office of Aaron I. Vela, P.C.

200 East Cano

Edinburg, Texas 78539

By: /s/ Eduardo G Garza

Eduardo G Garza

INTERROGATORIES

1. Identify the person(s) from whom the information was obtained in answering these interrogatories and the attached Requests for Production and specify the information that each supplied.

ANSWER:

Dr. Rebecca Morrison
Assistant Superintendent for Finance and Operations
Edinburg CISD
411 N. 8th Avenue
Edinburg, Texas 78539

2. Identify any and all your policies that protect your students from the inappropriate contact or sexual contact of your employee(s), include the implementation date of each policy and the name of the person(s) responsible for implementing the policy.

ANSWER:

All employees are trained annually on Title IX, child abuse and sexual harassment including appropriate vs. inappropriate contact with students. As further response to this interrogatory, information responsive to this interrogatory is contained in Exhibit M to Defendant's responses to requests for production.

3. Identify any and all procedures that regarding 1) the removal of a student from a classroom; 2) the subsequent arrival of that student to the stated destination and 3) ultimately their return to the classroom.

ANSWER:

There is no specific policy that sets out a specific procedure for removing students from a classroom. Students can be removed by administration, security or campus police for official school district related issues. Teachers are given the discretion as to whether or not they permit a student to be temporarily excused from class for extra-curricular activities, personal needs or some other academic need.

4. Describe how you prevent students from being isolated with your employees, where the student is removed from the classroom by a single member of your faculty or staff.

ANSWER:

Defendant objects to this interrogatory as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these

objections, Defendant would state that its staff and faculty are instructed to follow bell to bell instruction. While teachers are given discretion as to whether or not they permit a student to be temporarily excused from class for extra-curricular activities or some other academic need, there are no sanctioned situations where students are removed from class to be taken to an isolated area as opposed to an ongoing class or the office. Hall monitors, security guards and police officers are on campus for the protection of students and staff.

5. State how many sexual assaults against your students by your employees were reported between the years of 2013-2019.

ANSWER:

Defendant objects to this interrogatory as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant further objects to this interrogatory as seeking to invade the personal privacy rights of Defendant's students and would call for a violation of FERPA by Defendant.

6. Describe all policies that were implemented after March 2013 that prevented your students from being isolated with your employees.

ANSWER:

Defendant objects to this interrogatory as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Defendant would state that its staff and faculty are instructed to follow bell to bell instruction. While teachers are given discretion as to whether or not they permit a student to be temporarily excused from class for extra-curricular activities or some other academic need, there are no sanctioned situations where students are removed from class to be taken to an isolated area as opposed to an ongoing class or the office. Hall monitors, security guards and police officers are on campus for the protection of students and staff. These policies have been in place prior to 2013.

7. Describe all policies that were implemented after May 25, 2017 that prevented your students from being isolated with your employees.

ANSWER:

Defendant objects to this interrogatory as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Defendant would state that its staff and faculty are instructed to follow bell to bell instruction. While teachers are given discretion as to whether or not they permit a student to be temporarily excused from class for extra-curricular activities or some other academic need, there are no sanctioned situations where students are removed from class to be taken to an isolated area as opposed to an ongoing class or the office. Hall monitors, security guards and police

officers are on campus for the protection of students and staff. These policies were in place in before and after 2017.

8. Identify the person(s) responsible for implementing a policy to prevent the sexual abuse of Defendant's students after March 2013.

ANSWER:

All staff and employees of Defendant are responsible for making efforts to prevent the sexual abuse of students.

9. If after March 2013, the responsibility for implementing a policy to prevent the sexual abuse of your students was delegated from your School Board to someone else, identify to whom it was delegated.

ANSWER:

Not applicable

10. Specify which members of the School Board and their efforts to create a new policy that would protect students from being isolated by employees or staff, after March 2013.

ANSWER:

No new policy specific to that issue was created after March 2013.

11. Describe the duties of Francisco Coronado Badillo at Robert Vela High School in the 2016-2017 school year.

ANSWER:

Mr. Badillo was a Career and Technical Education (CTE) Teacher. He taught Business Information and Management (BIM) classes, Robotics classes, and one class of Principles of Business Marketing. His responsibilities are outlined in his job description which is being produced in response to requests for production.

13. Identify the supervisor for Francisco Coronado Badillo at Robert Vela High School at all times in the 2016-2017 school year.

ANSWER:

Mr. Badillo was supervised by former Assistant Principal Francisco Lumbreras.

14. Describe in detail the activities of Badillo while he was on the Robert Vela campus on May 25, 2017.

ANSWER:

Defendant would refer Plaintiff to the documents developed in the investigation of this matter which are attached to responses to requests for production.

15. Identify all sexual harassment/abuse training that you provided to Badillo.

ANSWER:

Documents and videos containing information responsive to this interrogatory are being produced in response to requests for production as exhibits J, K, and L